

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Tuesday, November 5, 2002 – 9:00 a.m. – Room 416 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Sen. Mike Dmitrich
Sen. Ed Mayne
Sen. Michael G. Waddoups
Rep. Judy A. Buffmire
Rep. James R. Gowans
Rep. Merlynn T. Newbold
Speaker Martin R. Stephens

Members Absent:

Rep. David Ure, House Chair
President Al Mansell

Staff Present:

Mr. Arthur L. Hunsaker, Research Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Cassandra N. Bauman, Legislative Secretary

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or by contacting the committee secretary at 538-1032.

1. Committee Business

Chair Stephenson called the meeting to order at 9:13 a.m. Rep. Ure was excused from the meeting.

MOTION: Sen. Dmitrich moved to approve the minutes of the October 21, 2002 meeting. The motion passed unanimously.

2. Report: Proposed Changes to R365-3 Computer Software Licensing, Copyright, Control, Retention and Transfer

Mr. Hunsaker indicated that the CIO (Chief Information Officer) has submitted a new draft of the rule as considered at the October 8, 2002 committee meeting. He noted the changes made in the draft and reviewed continuing issues of concern that the draft did not address.

Mr. Al Sherwood, Deputy CIO, discussed the new draft of the rule. He indicated that the Information Technology Policy and Strategy Committee approved the rule in its June 2002 meeting. He responded to questions.

Speaker Stephens indicated that the statute governing the CIO's duties and functions needs clarification.

3. Need for Rules Governing the Licensing of Salvage Vehicle Buyers

Sen. Dmitrich indicated that the Legislature passed a law to license salvage vehicle buyers. He indicated that the Motor Vehicle Enforcement Division of the Tax Commission has been fingerprinting salvage vehicle buyers prior to licensing and that a number of his constituents were concerned.

Mr. Hunsaker distributed R977-23V-18, Qualifications for a Salvage Vehicle Buyers License, and indicated that it does not specifically require fingerprinting. R877-23V-12 lists related professions that have fingerprinting requirements but does not include salvage vehicle buyers.

Ms. Pam Hendrickson, Chair, Utah State Tax Commission, indicated that it could be argued that R877-23V-18(5) could be interpreted as granting authority to require fingerprinting of salvage vehicle buyers, but that the Tax Commission will submit an amended rule for public comment. Fingerprinting requirements ensure that no one convicted of a felony is licensed.

Sen. Waddoups indicated that real estate licensing requires an affidavit indicating that the applicant has not been convicted of a felony. Speaker Stephens concurred that there are methods other than fingerprinting that can ensure the applicant for licensure has not been convicted of a felony.

Ms. Hendrickson indicated that the Tax Commission will pursue the rule changes in accordance with those comments.

Rep. Newbold indicated that R877-23V-12(7)(c) is inconsistent. Ms. Hendrickson stated that section of the rule was also brought to the attention of the Tax Commission and will be clarified.

4. Other Items / Adjourn

The next meeting of the Administrative Rules Review Committee will be Monday, November 18, 2002 at 3:00 p.m. in room 416.

Future meetings of the Administrative Rules Review Committee are tentatively scheduled for Tuesday, December 3, 2002 at 9:00 a.m. and Monday, December 16, 2002 at 9:00 a.m.

Sen. Mayne indicated he has requested staff to research a Department of Human Resource Management rule.

MOTION: Rep. Newbold moved to adjourn the meeting. The motion passed unanimously.

Chair Stephenson adjourned the meeting at 10:02 a.m.